

Panaji, 12th February, 1987 (Magha 23, 1908)

SERIES I No. 46

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/22/74-PER (Vol.IV-Part)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs' Notification No. E.7(11)/62-Goa dated 25-7-1963 and in supersession of the existing recruitment rules for the post, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post of Social Studies Instructor in the Office of Commissioner Labour and Employment under Government of Goa, Daman and Diu, namely:—

#### 1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Daman and Diu, Office of the Commissioner Labour and Employment, Group 'C' Non-Ministerial Non-Gazetted Recruitment Rules, 1987.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

#### 2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.* — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.* — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.* — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving* — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 14th January, 1987.

*Sub-Recruitment Rules, Office of Commissioner, Labour and Employment, Group 'C' posts.*

# SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Social Studies Instructor.	6 Subject to variation dependent on work-load.	Group 'C' Non-Ministerial Non-Gazetted.	Rs. 1400-40-1600-50-2300-EB-60-2600.	N.A.	Not exceeding 30 years. (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	<p><i>Essential:</i></p> <ol style="list-style-type: none"> <li>1. Bachelor's Degree in Sociology/Economics/Social work.</li> <li>2. Bachelor in Education (B.Ed) or its equivalent.</li> </ol> <p><i>Desirable:</i></p> <ol style="list-style-type: none"> <li>1. Training work experience of minimum 1 year.</li> <li>2. Knowledge of Konkani and/or Marathi.</li> </ol>	N.A.	Two years	Direct recruitment failing which by transfer on deputation.	<p><i>Transfer on deputation:</i></p> <p>Suitable officials holding analogous posts in the Directorate of Education under this Administration.</p> <p>(Period of deputation shall ordinarily not exceed 3 years).</p>	Group 'C' D.P.C. (for considering confirmation)	N.A.

## Notification

5/3/85-PER-I

In exercise of the powers conferred by rule 9 of the Central Civil Services (Clarification, Control and Appeal) Rules, 1965 and all other powers enabling him in this behalf, the Administrator of Goa, Daman and Diu hereby amends the Government Notification No. GAD-EST-9364 (2) dated 30-3-1966 published in the Official Gazette, Series I, No. 2 dated 14-4-1966 (hereinafter called the "said Notification"), as follows, namely:—

In the Schedule (class III, IV) appended to the said Notification, in column 6, for the Chief Secretary and other Secretaries and authorities mentioned therein, the words "Administrative Secretary" shall be substituted.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel)

Panaji, 14th January, 1987.

## Addendum

1-26-76-PER (Vol. IV)

In the schedule appended to the Notification No. 1-26(i)-76-Div. I dated 1-1-1978 published in the Official Gazette Series I No. 46 dated 16-2-1978 relating to Recruitment Rules for Group 'C' posts in the office of the Inspector General of Police the entry in Col. 11 against the post of Police Sub-Inspector may be read as under:

"Promotion: Assistant Sub-Inspector with 5 years regular service in the grade subject to passing promotion examination prescribed by the Department."

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 22nd January, 1987.

## Public Works and Urban Development Department

## Notification

4/5/1/85-PW&amp;UD

In exercise of the powers conferred by sub-section (3) of section 18 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Government of Goa, Daman and Diu, after consultation with the Goa, Daman and Diu Town and Country Planning Board, hereby amalgamates the Ponda Planning area notified vide Government Notification No. 4-56-76-UDD (k) dated 19-11-1976 and

published in the Official Gazette No. 52, Series I, dated 29-3-1977 and the Margao Planning area notified under Government Notification No. 4-56-76-UDD (Part file) (2) dated 1-4-1986 and published in the Official Gazette No. 4, Series I dated 24-4-1986 into one planning area to be known as Margao Planning area comprising areas as specified in column 1 of the Schedule appended hereto with boundaries as indicated in column 2 thereof.

## SCHEDULE

Area	Boundaries of the area
1	2
1) Area comprising of Margao Municipal area and entire Revenue village areas of Nuvem, Raia, Sao Jose de Areal, Davorim, Dicarpale, Aquem and Navelim.	1) West: Western boundary of Navelim Revenue Village, Western boundary of Margao Municipal Area and Western boundary of Nuvem Revenue Village. North: Northern boundary of Nuvem Revenue Village and Northern boundary of Raja revenue village. East: Eastern boundary of Raia Revenue Village, Eastern boundary of Margao Municipal area and Northern & Eastern boundary of Sao Jose de Areal revenue village. South: Southern boundary of Sao Jose de Areal revenue village, Southern boundary of Dicarpale revenue village Southern boundary of Aquem revenue village and Southern boundary of Navelim revenue village.
2) Area comprising of part of Cayelossim, Carmona, Varca, Benaulim revenue villages the whole of the areas of Sernabatim, Colva, Vanelim, Gaundaulim and part of Betalbatim, Gonsua, Majorda, Utorda revenue villages.	2) West: Arabian Sea. North: Northern limits of Utorda Revenue village. East: Eastern parts of Utorda, Majorda, Gonsua, Benaulim revenue villages and then the eastern limits of Gaundaulim, Vanelim, Sernabatim revenue villages and then the eastern parts of Benaulim, Varca, Carmona and Cayelossim revenue villages. South: The Southern part of Cayelossim revenue village.
3) Area comprising of Ponda Municipal area, Queula revenue village area and the part of Bandora revenue village.	3) West: The western part of Bandora revenue village and then the limits of Queula revenue village. North: Northern limits of Bandora revenue village and then the northern limits of Ponda Municipal Area. East: Eastern limits of Ponda Municipal area and then the eastern limits of Queula revenue village. South: Southern limits of Queula revenue village.

(A detailed plan of the areas covered is shown in the Annexure to this Notification).

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (PW&UD).

Panaji, 7th October, 1986.

Sub: - Town & Country Planning - Constitution of Margao Planning area.



## Power, Supply and Welfare Department

## Notification

2/38/86-PS&amp;WD

In exercise of the powers conferred by sub-section (2) of section 21 read with section 51A of the Indian Electricity Act, 1910 (Central Act 9 of 1910), the Lieutenant Governor of Goa, Daman and Diu hereby amends the Conditions and Miscellaneous Charges for supply of Electrical Energy (hereinafter referred to as the "principal Notification"), as follows, namely:—

In clause 31 of the principal Notification, for sub-clause (J), the following clause shall be substituted, namely:—

"(J) Unless as otherwise agreed to, the Department shall tender bills to the consumer monthly, yearly or at such other intervals or times it deems expedient on suitable dates and the monthly, yearly payment or the payment of such other interval or times as the case may be, shall be made in cash or by cheque at the nominated Banks and which shall be due on demand."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 30th January, 1987.

## Law Department

## Legal Affairs Branch

## Notification

LD/1/87-L.A.B./20

The Research and Development Cess Act, 1985 (Act No. 32 of 1986) which was passed by Parliament and assented to by the President of India on 14th August, 1986 and published in the Gazette of India, Part II, Section 1 dated 14-1-86, is hereby republished for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 19th January, 1987.

## The Research and Development Cess Act, 1986

AN

ACT

to provide for the levy and collection of a cess on all payments made for the import of technology for the purposes of encouraging the commercial application of indigenously developed technology and for adapting imported technology to wider domestic application and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Research and Development Cess Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "cess" means the cess levied under section 3;

(b) "Development Bank" means the Industrial Development Bank of India established under section 3 of the Industrial Development Bank of India Act, 1964;

18 of 1964.

(c) "Fund" means the Venture Capital Fund formed under section 5;

(d) "import", in relation to any technology, means the bringing into India of, such technology from a place outside India;

(e) "industrial concern" has the meaning assigned to it in clause (c) of section 2 of the Industrial Development Bank of India Act, 1964, and includes any other person in whose favour a foreign collaboration involving the import of technology is approved by the Central Government;

18 of 1964.

(f) "prescribed" means prescribed by rules made under this Act;

(g) "specified agency" means—

(i) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934; or

2 of 1934.

(ii) the State Bank of India constituted under the State Bank of India Act, 1955; or

23 of 1955.

(iii) such other bank or institution as may be specified in this behalf by the Central Government;

(h) "technology" means any special or technical knowledge or any special service required for any purpose whatsoever by an industrial concern under any foreign collaboration, and includes designs, drawings, publications and technical personnel.

3. *Levy and collection of cess on payments made towards the import of technology.*— (1) There shall be levied and collected, for the purposes of this Act, a cess at such rate not exceeding five per cent. on all payments made towards the import of technology, as the Central Government may, from time to time, specify, by notification, in the Official Gazette.

(2) The cess shall be payable to the Central Government by an industrial concern which imports technology on or before making any payments towards such import and shall be paid by the industrial concern to any specified agency.

Sub: Cess - The Research and Development Cess Act, 1986

4. *Crediting proceeds of cess to Consolidated Fund of India.* — The proceeds of the cess levied and collected under section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Development Bank, from time to time, from out of such proceeds (after deducting the cost of collection), such sums of money as it may think fit for being utilised for the purposes of the Fund.

5. *Venture Capital Fund.* — (1) There shall be formed for the purposes of this Act a Fund to be called the Venture Capital Fund and such Fund shall form part of the Development Assistance Fund established by the Development Bank under section 14 of the Industrial Development Bank of India Act, 1964, and the provisions of Chapter V of that Act shall, save as otherwise expressly provided in this Act, apply to such Fund.

(2) There shall be credited to the Fund—

- (a) all amounts paid under section 4;
- (b) any amount given as grants by the Central Government for the purposes of this Act;
- (c) any amount given to the Fund from any other source; and
- (d) any income from investment of the amount in the Fund.

6. *Application of Fund.* — The Fund shall be applied by the Development Bank to meet the expenditure incurred in connection with the measures and facilities which, in the opinion of the Development Bank, are necessary or expedient to provide equity capital or any other form of financial assistance to industrial concerns attempting commercial applications of indigenous technology or adapting imported technology to wider domestic applications.

7. *Power of Central Government to exempt.* — Notwithstanding anything contained in this Act, if the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, exempt any industrial concern from the payment of the cess payable under this Act for the import of such technology as may be specified in such notification.

8. *Power to call for information.* — The Development Bank may require an industrial concern to furnish, for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed.

9. *Penalty for non-payment of cess.* — (1) If any cess payable by an industrial concern is not paid on or before making payments towards the import of technology, it shall be deemed to be in arrears and the same shall be recovered by the Development Bank in such manner as may be prescribed.

(2) The Development Bank may, after such inquiry as it deems fit, impose on the industrial concern, which is in arrears under sub-section (1),

a penalty not exceeding ten times the amount in arrears:

Provided that before imposing such penalty, such industrial concern shall be given a reasonable opportunity of being heard, and if, after such hearing, the Development Bank is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this sub-section.

10. *Power to make rules.* — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the foregoing power, such rules may provide for the following matters:—

(a) the form in which and the period within which the information under section 8 may be furnished;

(b) the manner in which the arrears of cess may be recovered under sub-section (1) of section 9;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### Notification

7-21-86/LA

The Code of Criminal Procedure (Goa, Daman and Diu Amendment) Act, 1986 (Act 1 of 1987), which has been passed by the Legislative Assembly on 31-7-1986 and assented to by the President of India on 13-1-1987, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 29th January, 1987.

The Code of Criminal Procedure (Goa, Daman and Diu Amendment) Act, 1986

(Act No. 1 of 1987) [13-1-1987]

AN

ACT

to amend the Code of Criminal Procedure, 1973 in its application to the Union territory of Goa, Daman and Diu.

Sub. Code of Criminal Procedure  
to Code of Criminal Procedure  
(Goa, Daman and Diu Amendment)  
Act, 1986

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Code of Criminal Procedure (Goa, Daman and Diu Amendment) Act, 1986.

(2) It shall come into force at once.

2. **Amendment of section 357.**— In section 357 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) —

(i) in sub-section (1), for the brackets, figure and words “(1) When a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, when passing judgement, order the whole or any part of the fine recovered to be applied—”, the brackets, figure and words “(1) When a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, and where a person against whom an offence is committed belongs to the Scheduled Caste or the Scheduled Tribe as defined in clauses (24) and (25) of article 366 of the Constitution except when both the accused person and the person against whom an offence is committed belong either to such Castes or Tribes, the Court shall, when passing judgement, order the whole or any part of the fine recovered to be applied—” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) When a Court imposes a sentence, of which fine does not form a part, the Court may, and where a person against whom an offence is committed belongs to the Scheduled Castes or the Scheduled Tribes as defined in clauses (24) and (25) of article 366 of the Constitution, the Court shall, when passing judgement, order the accused person to pay, by way of compensation, such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced:

Provided that the Court may not order the accused person to pay by way of compensation any amount, if both the accused person and the person against whom an offence is committed belong either to the Scheduled Castes or the Scheduled Tribes.”

(M. RAGHU CHANDER)

Secretariat,  
Panaji-Goa

Dated 29-1-1987

Secretary to the Government  
of Goa, Daman and Diu  
Law Department (Legal Affairs)

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/305/1987

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 4th February, 1987 is hereby published for general

information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Civil Courts (Amendment) Bill, 1987  
(Bill No. 1 of 1987)

A  
BILL

to amend the Goa, Daman and Diu Civil Courts Act, 1965.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-eighth Year of the Republic of India as follows, namely:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Civil Courts (Amendment) Act, 1987.

(2) It shall come into force at once.

2. **Amendment of section 12.**— In section 12 of the Goa, Daman and Diu Civil Courts Act, 1965 (16 of 1965) (hereinafter referred to as the “principal Act”), in sub-section (3), for the word “ten”, the words “twenty five” shall be substituted.

3. **Amendment of section 20.**— In section 20 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

(3) The jurisdiction of a Junior Civil Judge extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value twenty five thousand rupees.

4. **Amendment of section 22.**— In section 22 of the principal Act, for the word “twenty”, the words “twenty-five” shall be substituted.

5. **Amendment of section 26.**— In section 26 of the principal Act, in sub-section (1), for the words “District Court”, the words “Court of a Senior Civil Judge” shall be substituted.

Statement of objects and reasons

In terms of sub-section (3) of section 20 of the Goa, Daman and Diu Civil Courts Act, 1965, the Civil Judges, Junior Division of this Union territory are empowered to try original suits and proceedings of civil nature wherein the subject matter does not exceed in amount or value of Rs. 10,000/-. This limit of Rs. 10,000/- was imposed some time back in the year 1965. As there is a considerable depreciation of the value of Rupee during these 22 years and also to mitigate the hardships of the people of Daman and Diu who have to come to Goa to file suits, the value of which exceeds Rs. 10,000/- since in the above jurisdictions, the Civil Judges, Junior Divisions are functioning, it is felt necessary to enhance the pecuniary limits of the Civil Judge, Junior Division from Rs. 10,000/- to Rs. 25,000/-.

This Bill seeks to amend the Goa, Daman and Diu Civil Courts Act, 1965 to this effect.

Also, in terms of section 26 of the said Act, 1965, any suit in which the Central Government, the Admi-



nistrator or the Government of Goa, Daman and Diu or any Officer of the Government in his official capacity is a party is required to be filed in the District Court. This Bill seeks to amend section 26 of the said Act, 1965 so as to empower the Court of Civil Judge, Senior Division to receive or register any suit in which the Central Government, the Administrator or the Government of Goa, Daman and Diu or any officer of the Government in his official capacity is a party, in order to provide relief to the District Courts which are over-burdened.

Amendments of sections 12 and 22 are of consequential nature.

#### Financial Memorandum

No financial implications are involved in this Bill.

Panaji, **SHAIK HASSAN HAROON**  
21st January, 1987. Minister for Law

Assembly Hall, **M. M. NAIK**  
Panaji, Secretary to the Legislative  
28th January, 1987. Assembly of Goa, Daman and Diu

(Annexure to Bill No. 1 of 1987)

The Goa, Daman and Diu Civil Courts (Amendment) Bill, 1987

.....  
The Goa, Daman and Diu Civil Courts Act, 1965  
(Act No. 16 of 1965)  
.....

#### Amendment of Section 12. —

(3) Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge if the amount of value of the subject matter does not exceed ten thousand rupees and to the High Court in other cases.

#### Amendment of Section 20. —

(3) The jurisdiction of a Junior Civil Judge extends to all original suits and proceedings of a civil nature

wherein the subject matter does not exceed in amount or value ten thousand rupees:

Provided that the Administrator may increase the limit of ten thousand rupees to fifteen thousand rupees in the case of any Junior Civil Judge of not less than ten years standing and specially recommended in this behalf by the High Court. A Civil Judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a Junior Civil Judge without reference to the place in which he may be employed unless the powers are withdrawn by the Administrator.

#### Amendment to Section 22. —

22. *Appeals from his decision.* — In all suits decided by a Civil Judge of which the amount or value of the subject matters exceeds twenty thousand rupees the appeal from his decision shall be direct to the High Court.

#### Amendment to Section 26. —

26. *Suits in which Government is a party.* — (1) No Court other than the District Court shall receive or register any suit in which the Central Government or the Administrator or the Government of Goa, Daman and Diu or any officer of Government in his official capacity, is a party:

Provided that the Administrator may by general or special order notified in the Official Gazette, direct that the provisions of this section shall not apply to any suit or class or category of suits of the nature referred to therein.

Assembly Hall, **M. M. NAIK**  
Panaji, Secretary to the Legislative Assembly  
28th January, 1987. of Goa, Daman and Diu.

Administrator's recommendation under Section 22 of the Government of Union Territories Act, 1963.

In pursuance of Section 22 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction of the Goa, Daman and Diu Civil Courts (Amendment) Bill, 1987.